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09/574,395	05/19/2000	Jeff Cook	252/109	7205

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EXAMINER

FAKHRAI, SAM S

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 03/22/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/574,395

Applicant(s)

COOK ET AL.

Examiner

Sam Fakhrai

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-16 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on December 11, 2003 (Paper No. 9). Original application contained Claims 1-23. Applicant has cancelled Claim 2 and 17. Applicant has amended Claims 1, 3-8, 10, 18-20, 22 and 23, and added new Claims 24-26. The amendment filed has been entered and made of record. Presently pending claims are 1, 3-16, and 18-26

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 4, 8-12, 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,442,688 to Moses et al. in view of U.S. Pat. No. 6,434,536 to Geiger.
2. Regarding Claims 1 and 10, Moses discloses:
 - In a system adapted for monitoring for changes in condition of one or more electronic certificates, and adapted for communication with a user of

the one or more electronic certificates, a method for notification of a change in condition of an electronic certificate, comprising (Moses: column 3, lines 1-11):

- Detecting a change in condition of the electronic certificate (Moses: Figure 3 and column 6, lines 21-23); and
- Notifying the user of the electronic certificate of the change in condition (Moses: Figure 3 and column 6, lines 26-28).
- A processor (Moses: Figure 2 and column 5, lines 51-55);
- A computer program executable on the processor (Moses: Figure 2 and column 5, lines 51-55);
- A first executable module in the computer program for detecting a change in condition of an electronic certificate (Moses: column 5, lines 52-58); and
- A second executable module in the computer program for notifying a user of the electronic certificate of the change in condition (Moses: column 5, lines 52-58).

However, Moses does not disclose the graphical user interface for negotiating a contract.

Geiger discloses:

- Webbased commerce (Geiger: Fig. 9 and column 6, lines 38-40), wherein a graphical user interface is utilized to negotiate among a plurality of

choices regarding contract (Geiger: column 4, lines 46-51) terms selected from the group consisting of:

- Price of the product (Geiger: column 6, lines 40-42);
- Availability of the product (Geiger: column 6, lines 40-42);
- Way in which the product is delivered (Geiger: column 6, lines 40-42);
- And type of the product (Geiger: column 6, lines 40-42).

The system of Moses could incorporate the web-based commerce system disclosed by Geiger and described above. Also, the terms that are contract negotiated regarding a product in the Geiger system would be modified to reflect the terms that are contract negotiated for a notification of a change in certificate, as disclosed by Moses. The price of product would be changed to price of notification of a certificate change. The availability of the product could be changed to diligence with which the user is notified of a certificate change. The way in which the product is delivered could be changed to way of notifying the user. Finally, the type of product would be changed to type of change in certificate.

One of ordinary skill in the art would have been motivated to make the above modifications at the time of the claimed invention because having a contract negotiation for providing a service where terms relevant to that service are contract negotiated provides the advantages of having a service that is both configurable to meet the needs on both ends and also is legally binding.

3. Regarding Claim 3, the system of Moses and Geiger, as applied to Claim 1 above, discloses all of the claimed subject matter of Claim 1, as discussed with respect to Claim 1 above. Also, note that the additional claimed subject matter of Claim 3 is disclosed by Moses. Moses discloses:

- The method further comprising allowing the certificate user to download an updated version of the electronic certificate (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).

4. Regarding Claim 4, the system of Moses and Geiger, as applied to Claim 1 above, discloses all of the claimed subject matter of Claim 1, as discussed with respect to Claim 1 above. Also, note that the additional claimed subject matter of Claim 4 is disclosed by Moses of the above system. Moses discloses:

- Forwarding an updated electronic certificate to the certificate user concurrently with the step of notifying, thereby updating the electronic certificate (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).

5. Regarding Claim 8, the system of Moses and Geiger, as applied to Claim 1 above, discloses all of the claimed subject matter of Claim 1, as discussed with respect to Claim 1 above. Also, note that the additional claimed subject matter of Claim 8 is

disclosed by the above system. As discussed with respect to Claim 1 above, the system discloses:

- The method comprising negotiating a contract with the user regarding the type of change the user is notified of in the step of notifying, negotiating the way of notifying the user, negotiating the diligence with which the user is notified of the change in condition, and negotiating a price for notifying the user (Geiger: column 4, lines 46-51, and column 6, lines 40-42. Also note that the terms of Geiger were modified in combining with the Moses system in rejection of parent Claim 1 above).

6. Regarding Claim 9, the system of Moses and Geiger, as applied to Claim 1 above, discloses all of the claimed subject matter of Claim 1, as discussed with respect to Claim 1 above. Also, note that the additional claimed subject matter of Claim 9 is disclosed by Moses of the above system. Moses discloses:

- The change in condition detected in the detecting step consists of a change in condition selected from the following group: revocation of, roll-over of, change in field of, disablement of, or expiration of the electronic certificate (Moses: column 6, lines 43-48).

7. Regarding Claim 11, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 10, as discussed with

respect to Claim 10 above. Also, note that the additional claimed subject matter of Claim 11 is disclosed by Moses of the above system. Moses discloses:

- The electronic certificate comprises a first server (Moses: column 3, lines 55-59).

8. Regarding Claim 12, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 11, as discussed with respect to Claims 10 and 11 above. Also, note that the additional claimed subject matter of Claim 12 is disclosed by Moses of the above system. Moses discloses:

- The first server further comprises the processor on which the computer program is stored and the first and second executable modules are executed (Moses: column 5, lines 52-58).

9. Regarding Claim 18, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 10, as discussed with respect to Claim 10 above. Also, note that the additional claimed subject matter of Claim 18 is disclosed by the above system. As discussed with respect to Claim 10 above, the system discloses:

- The method comprising negotiating a contract with the user regarding the type of change the user is notified of in the step of notifying, negotiating the way of notifying the user, negotiating the diligence with which the user is notified of the change in condition, and negotiating a price for notifying the user (Geiger: column 4, lines 46-51, and column 6, lines 40-42. Also

note that the terms of Geiger were modified in combining with the Moses system in rejection of parent Claim 10 above).

10. Regarding Claim 19, the system of Moses and Geiger, as applied to Claim 1 above, discloses all of the claimed subject matter of Claim 19, as discussed with respect to Claims 10 and 18 above. Also, note that the additional claimed subject matter of Claim 19 is disclosed by Moses of the above system. Specifically, Moses discloses:

- The processor is further for forwarding an updated electronic certificate to the certificate user, thereby updating the electronic certificate with respect to the certificate user (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).

11. Regarding Claim 20, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 18, as discussed with respect to Claims 10 and 18 above. Also, note that the additional claimed subject matter of Claim 20 is disclosed by Moses of the above system. Moses discloses:

- The processor is further for allowing the certificate user to download an updated version of the electronic certificate from a certificate server (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).

12. Regarding Claim 21, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 18, as discussed with respect to Claims 10 and 18 above. Also, note that the additional claimed subject matter of Claim 21 is disclosed by Moses of the above system. Moses discloses:

- A plurality of electronic certificates, wherein the electronic certificate for which the processor detects a change in condition comprises one of the plurality of electronic certificates (Moses: column 3, line 66 and column 4, lines 1-3; and column 4, lines 53-57).

13. Regarding Claim 22, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 21, as discussed with respect to Claims 10, 18, and 21 above. Also, note that the additional claimed subject matter of Claim 22 is disclosed by the above system. As discussed with respect to Claim 10 above, the system discloses:

- The first module is for detecting a change in condition of one or more of the plurality of electronic certificates, and the second module is for notifying one or more respective users of the change in condition of the respective electronic certificate based on the contract negotiated by the third module.

14. Regarding Claim 23, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 10, as discussed with respect to Claim 10 above. Also, note that the additional claimed subject matter of Claim 23 is disclosed by Moses of the above system. Moses discloses:

- The change in condition detected in the detecting step consists of a change in condition selected from the following group: revocation of, roll-over of, change in field of, disablement of, or expiration of the electronic certificate (Moses: column 6, lines 43-48).

15. Regarding Claim 24, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 10, as discussed with respect to Claim 10 above. Also, note that the additional claimed subject matter of Claim 24 is disclosed by Geiger of the above system. Geiger discloses:

- Each of the above terms is associated with a drop down menu for allowing the user to select among the choices relating to the associated term (Geiger: Fig. 9 and column 6, lines 43-44).

16. Regarding Claim 25, the system of Moses and Geiger, as applied to Claim 10 above, discloses all of the claimed subject matter of Claim 10, as discussed with respect to Claim 10 above. Also, note that the additional claimed subject matter of Claim 25 is disclosed by the above system. As discussed with respect to Claim 10 above, the system discloses:

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- A third module in the computer program for negotiating a contract with the user regarding which of a plurality of types of changes the second module notifies the user of, for negotiating which of a plurality of ways the second module notifies the user, for negotiating which of a plurality of diligences used for notifying the user of the change in condition, and for negotiating which of a plurality of prices for notifying the user (Geiger: column 4, lines 46-51, and column 6, lines 40-42. Also note that the terms of Geiger were modified in combining with the Moses system in rejection of parent Claim 10 above).

17. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the system of Moses and Geiger, as applied to Claim 1 above, and further in view of U.S. Pat. No. 5,561,703 to Arledge.

18. Regarding claims 5-7, the system of Moses and Geiger discloses all of the claimed subject matter regarding Claim 1, as discussed above with respect to Claim 1, but does not disclose the claimed methods of notifying the user.

Arledge discloses a system comprising:

- Electronic mail (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "E-Mail Server 11" of Figure 1).

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- An electronic voice messaging system (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "Voice Mail System 7" and "Phone Network 5" of Figure 1).
- Providing a paging signal to a pager for the recipient (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "Paging Server 13" of Figure 1).

Moses could have been modified by Arledge to arrive at the claimed invention by having the step of notifying the certificate user of a change in certificate comprising notifying the certificate user by electronic mail, the step of notifying the certificate user of a change in certificate comprising notifying the certificate user by telephone using an electronic voice messaging system, and the step of notifying the certificate user of a change in certificate comprising notifying the certificate user by providing a paging signal to a pager for the recipient.

One of ordinary skill in the art would have been motivated to modify Moses by Arledge as described above because Moses requires a means of communicating the change in certificate to the certificate user. One of ordinary skill in the art would have found it obvious to apply the above modification because electronic mail, telephone using an electronic voice messaging system, and providing a paging signal to a pager for the recipient are communication methods. Furthermore, employing the above communication methods allows Moses to communicate the change in certificate to the certificate user.

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19. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the system of Moses and Geiger as applied to claim 11 above, and further in view of U.S. Pat. No. 5,983,228 to Kobayashi et al.

20. Regarding Claim 13, the system of Moses and Geiger discloses all of the claimed subject matter of Claim 11, as discussed with respect to Claims 10 and 11 above. However, the system does not disclose that the modules are on different servers.

Kobayashi discloses:

- A first executable module is stored and executed on the first server, and the second executable module is stored and executed on the second server (Kobayashi: column 5, lines 3-5).

The system of Moses and Geiger could have been modified to arrive at the claimed invention by incorporating Kobayashi. The modules for detecting a change in condition of an electronic certificate and for notifying a user of the change in electronic certificate could be stored on separate servers.

One of ordinary skill in the art would have been motivated to combine the references in the way described above, and at the time of the claimed invention, because having the modules on different servers provides a greater degree of modularity and abstraction, where a problem in one module would be less likely to negatively affect the other module. Also processing speeds of the two modules would be improved by placing them on separate servers.

21. Regarding Claim 14, the system of Moses, Geiger and Kobayashi, as applied to Claim 13 above, discloses all of the claimed subject matter of Claim 13, as discussed with respect to Claims 10, 11 and 13 above. Also, note that the additional claimed subject matter of Claim 14 is disclosed by Kobayashi of the above system. Kobayashi discloses:

- A communication channel between the first and second servers for connecting the first server to the second server such that data communications may occur between the first and second servers (Kobayashi: Fig. 3 and column 8, lines 18-30);

22. Regarding Claim 15, the system of Moses, Geiger and Kobayashi, as applied to Claim 14 above, discloses all of the claimed subject matter of Claim 14, as discussed with respect to Claims 10, 11, 13 and 14 above. Also, note that the additional claimed subject matter of Claim 15 is disclosed by Kobayashi of the above system. Kobayashi discloses:

- The electrical connection comprises a network, first and second servers each having a network interface for data communications in the network (Kobayashi: Fig. 3 and column 8, lines 18-30).

23. Regarding Claim 16, the system of Moses, Geiger and Kobayashi, as applied to Claim 13 above, discloses all of the claimed subject matter of Claim 15, as discussed with respect to Claims 10, 11, 13, 14 and 15 above. Also, note that the additional

claimed subject matter of Claim 16 is disclosed by Moses of the above system. Moses discloses:

- A first server comprises a certificate server (Moses: column 3, lines 55-59).

24. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moses in view of Geiger and further in view of Arledge.

25. Regarding Claim 26, Moses discloses:

- A processor (Moses: Figure 2 and corresponding text in column 5, lines 51-55);
- A computer program executable on the processor (Moses: Figure 2 and corresponding text in column 5, line 51-55);
- Detecting a change in condition of an electronic certificate (Moses: Figure 3 and corresponding text in column 6, lines 21-23); and
- Notifying a user of the electronic certificate of the change in condition (Moses: Figure 3 and corresponding text in column 6, lines 26-28).
- The processor is further for forwarding an updated electronic certificate to the certificate user, thereby updating the electronic certificate with respect to the certificate user (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).

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- The processor is further for allowing the certificate user to download an updated version of the electronic certificate from a certificate server (Moses: "Updates 32, 34, and 36" of Figure 1, and corresponding text in column 5, lines 10-15; and column 6, lines 26-35).
- The change in condition detected in the detecting step consists of a change in condition selected from the following group: revocation of, roll-over of, change in field of, disablement of, or expiration of the electronic certificate (Moses: column 6, lines 43-48).

However, Moses does not disclose that the user is notified by electronic mail, a telephone voice messaging system, or a paging signal sent to a pager. Also Moses does not disclose the graphical user interface for contract negotiation.

Geiger discloses:

- Webbased commerce (Geiger: Fig. 9 and column 6, lines 38-40), wherein a graphical user interface is utilized to negotiate among a plurality of choices regarding contract (Geiger: column 4, lines 46-51) terms selected from the group consisting of:
 - Price of the product (Geiger: Fig. 9 and column 6, lines 40-42);
 - Availability of the product (Geiger: Fig. 9 and column 6, lines 40-42);
 - Way in which the product is delivered (Geiger: Fig. 9 and column 6, lines 40-42);
 - And type of the product (Geiger: Fig. 9 and column 6, lines 40-42).

- Each of the above terms is associated with a drop down menu for allowing the user to select among the choices relating to the associated term (Geiger: Fig. 9 and column 6, lines 43-44).

Arledge discloses a system comprising:

- Electronic mail (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "E-Mail Server 11" of Figure 1).
- An electronic voice messaging system (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "Voice Mail System 7" and "Phone Network 5" of Figure 1).
- Providing a paging signal to a pager for the recipient (Arledge: column 3, lines 37-66, and column 4, lines 1-6 and "Paging Server 13" of Figure 1).

The system of Moses could incorporate the web-based commerce system disclosed by Geiger and described above. Also, the terms that are contract negotiated regarding a product in the Geiger system would be modified to reflect the terms that are contract negotiated for a notification of a change in certificate, as disclosed by Moses. The price of product would be changed to price of notification of a certificate change. The availability of the product could be changed to diligence with which the user is notified of a certificate change. The way in which the product is delivered could be changed to way of notifying the user. The type of product would be changed to type of change in certificate.

The resulting combination system could further provide notification to the user of a change in certificate through the means disclosed by Arledge above.

One of ordinary skill in the art would have been motivated to combine Moses with Geiger, at the time of the claimed invention, because having a contract negotiation for providing a service where terms relevant to that service are contract negotiated in a GUI, provides the advantages of having a service that is both easily configurable to meet the needs on both ends and also is legally binding. One of ordinary skill in the art would have been motivated to modify the Moses and Geiger system by Arledge as described above because Moses requires a means of communicating the change in certificate to the certificate user. Arledge provides a communication means by electronic mail, telephone using an electronic voice messaging system, and providing a paging signal to a pager.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Fakhrai whose telephone number is 703-305-8767. The examiner can normally be reached on M-F, 9:30 AM – 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

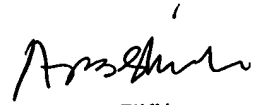
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Monday, March 15, 2004



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